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| 10/501,410 | 11/04/2004 | Oscar Bravo | 1515-1048 | 9553 |
| 466 7590 08/22/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202 | | | EXAMINER HUQ, FARZANA B | |
| | | | ART UNIT 2109 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,410

Applicant(s)

BRAVO ET AL.

Examiner

Farzana Huq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. A PCT application has been filed in application no. PCT/SE02/00053, which claims the benefit of date of January 15, 2002.

Inventorship

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Objection

4. Claim 5 is objected to because of the following informalities: the claim should read as "...according to claim 4 ..." in the sentence rather than "... according to claim 5" for the purpose of better understanding of the claim.
5. Claim 6 is objected to because of the following informalities: in the sentence "...provider is using, to network elements ..." the comma should be excluded for the purpose of better understanding of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearn et al. hereinafter Hearn (U.S. Patent 5640505), in view of David Orshan hereinafter Orshan (Publication no. 20020152326).

7. As per claim 1, Hearn discloses a system comprising a plurality of service providers and a plurality of network providers, which control system enables any service provider to order a product at any network provider and enables the network provider to manage information for delivering said product in a telecommunication network to the service provider (abstract), wherein the control system comprises: means arranged to register a product type order, from a service provider, at a network provider (abstract, col. 1 lines 24 – col. 2 lines 13, col. 3 lines 23-45); means arranged to identify the network technology of the network provider for the ordered product type, based on predetermined registered network technology information (col. 1 lines 24-67, col. 7 lines 9-29 and lines 63 – col. 8 line 7); means arranged to create and register an order based on said product type order from the service provider (col. 7 lines 5-9 and line 63 – col. 8 line 7, col. 9 lines 39-55); means arranged to have communication protocols that the service provider is using to the communication protocols of the network technology of the network provider, which is based on said predetermined registered network technology information (col. 1 lines 55-66, col. 3 lines 16-45, col. 7 lines 63 – col. 8 line 7); and means arranged to deliver

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said product, in accordance with the registered order, to the service provider (col. 1 lines 14-16 and 50-66, col. 3 lines 30-45, col. 10 lines 32-49), but he does not explicitly disclose translation of communication protocols which the service provider is using to the communication protocol of the network provider. However, in the same field of endeavor Orshan discloses translate the communication protocols that the service provider is using to the communication protocols of the network technology of the network provider (paragraphs [0021, 0034]).

Accordingly, it would be obvious to one of ordinary skill in the computer networking art at the time of invention was made to have incorporated Orshan's teaching of System, method, and computer program product for facilitating local internet service providers to deliver guaranteed bandwidth inter service with the teachings of Hearn, for the purpose of suitably teaching protocols of both service and network providers are translated to be compatible for delivery of ordered product (pages 1-4).

8. As per claim 2, Hearn discloses system wherein is arranged to coordinate a plurality of network technologies simultaneously, based on the predetermined registered network information (col. 1 lines 55-66, col. 3 lines 16-45, col. 7 lines 63 – col. 8 line 7, col. 11 lines 53-64), but he does not disclose translating the protocol of the service provider to the protocol of these different network technologies. Exemplary of this is Orshan, discloses translating the protocol of the service provider to the protocol of these different network technologies (paragraphs [0021, 0034]).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 2.

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9. As per claim 3, Hearn discloses system is arranged to register and manage data associated with every product during the lifetime of the product (abstract, col. 1 lines 24 – col. 2 line 13, col. 3 lines 23-45, as long as user or client is registered for the product).
10. As per claim 4, Hearn discloses system is arranged to register data associated with installed network resources (col. 1 lines 24 – col. 2 line 13, col. 9 lines 52-59, col. 11 lines 53-64, col. 12 lines 25-39).
11. As per claim 5, Hearn discloses system is arranged to monitor status about, book, connect and release said installed network resources, based on said registered data associated with the installed network resources (col. 10 lines 31-53, col. 11 lines 53-64).
12. As per claim 6, Hearn discloses is arranged to adapt the communication protocols that the service provider is using, to network elements included in the network technology, which network elements can have different versions, different manufacturers, be of different types and have different technical solutions, based on said predetermined registered network technology information (col. 1 lines 55-67, col. 3 lines 23-45, col. 4 lines 28-50).
13. As per claim 7, Hearn discloses means arranged to deliver said product, in accordance with the registered order, to the service provider, is arranged to change or cancel the delivery of said product (col. 6 lines 1-23, col. 7 lines 9-29, col. 10 lines 26-30, col. 12 lines 36-40).
14. As per claim 8, Hearn discloses is arranged to define a given product by means of forming the product using at least one predetermined registered data set (col. 10 lines 31-43, col. 11 lines 53-64, col. 12 lines 36-40).
15. As per claim 9, Hearn discloses a system a plurality of service providers and a plurality of network providers, which method enables any service provider to order a product at any

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network provider and enables the network provider to manage information for delivering said product in a telecommunication network to the service provider (abstract), wherein the method comprises the steps of: registering a product type order from a service provider, at the network provider (abstract, col. 1 lines 24 – col. 2 lines 13, col. 3 lines 23-45); identifying the network technology of the network provider for the ordered product type, based on predetermined registered network technology information (col. 1 lines 24-67, col. 7 lines 9-29 and lines 63 – col. 8 line 7); creating and registering an order based on said product type order from the service provider (col. 7 lines 5-9 and line 63 – col. 8 line 7, col. 9 lines 39-55); the communication protocols that the service provider is using, to the communication protocols of the network technology of the network provider, based on said predetermined registered network technology information (col. 1 lines 55-66, col. 3 lines 16-45, col. 7 lines 63 – col. 8 line 7); and delivering said product, in accordance with the registered order, to the service provider (col. 1 lines 14-16 and 50-66, col. 3 lines 30-45, col. 10 lines 32-49), but he does not explicitly disclose translating communication protocols which the service provider is using to the communication protocol of the network provider. However, in the same field of endeavor Orshan discloses translating the communication protocols that the service provider is using to the communication protocols of the network technology of the network provider (paragraphs [0021, 0034]).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 9.

16. As per claim 10, Hearn discloses a system comprising the step of: coordinating a plurality of network technologies simultaneously, based on the predetermined registered network information (col. 1 lines 55-66, col. 3 lines 16-45, col. 7 lines 63 – col. 8 line 7, col. 11 lines 53-

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64), but he does not disclose translating the protocol of the service provider to the protocol of these different network technologies. In the same field of endeavor, Orshan discloses translating the protocol of the service provider to the protocol of these different network technologies (paragraphs [0021, 0034]).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 10.

17. As per claim 11, Hearn discloses a system registering and managing data associated with every product during the lifetime of the product (abstract, col. 1 lines 24 – col. 2 line 13, col. 3 lines 23-45, as long as user or client is registered for the product).

18. As per claim 12, Hearn discloses a system registering data associated with installed network resources (col. 1 lines 24 – col. 2 line 13, col. 9 lines 52-59, col. 11 lines 53-64, col. 12 lines 25-39).

19. As per claim 13, Hearn discloses a system monitoring status about, book, connect and release said installed network resources, based on said registered data associated with the installed network resources (col. 10 lines 31-53, col. 11 lines 53-64).

20. As per claim 14, Hearn discloses a system adapting the communication protocols that the service provider is using, to network elements included in the network technology, which network elements can have different versions, different manufacturers, be of different types and have different technical solutions, based on said predetermined registered network technology information (col. 1 lines 55-67, col. 3 lines 23-45, col. 4 lines 28-50).

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21. As per claim 15, Hearn discloses a system wherein the delivery of a product, in accordance with the registered order, to the service provider, can be changed or cancelled (col. 6 lines 1-23, col. 7 lines 9-29, col. 10 lines 26-30, col. 12 lines 36-40).

22. As per claim 16, Hearn discloses a system wherein a given product is defined by means of forming the product using at least one predetermined registered data set (col. 10 lines 31-43, col. 11 lines 53-64, col. 12 lines 36-40).

23. As per claim 17, Hearn discloses a computer-readable medium storing computer-executable components for unit to perform the computer-executable components are run on microprocessor included by the unit (col. 1 lines 33-45, col. 6 lines 33-41, col. 16 lines 45-64).

Conclusion

24. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

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25. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana Huq whose telephone number is (571) 270-3223. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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